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TAGS: [PGOV](#) [PHUM](#) [KPAO](#) [SOCI](#) [KWMN](#) [NG](#)  
SUBJECT: HEAVY ABSENTEEISM AS NIGERIEN ASSEMBLY REJECTS  
WOMEN'S RIGHTS MEASURE

REF: 05 NIAMEY 1434

Classified By: POLITICAL OFFICER ZACH HARKENRIDER FOR REASON 1.4 (B)

¶1. (U) In an evening vote on the last day of its spring session, the Nigerien National Assembly, on June 3rd, rejected a bill for the ratification of the Additional Protocol to the African Human and People's Rights Charter relating to Women's Rights in Africa. The additional protocol was adopted in Maputo, Mozambique on July 11, 2003. Of the Assembly's 113 Deputies, only 77 were present. In a vote that bore no relation to party affiliation, 42 deputies voted no; 31 yes; and 4 abstained. Of the 14 women deputies in the National Assembly, only 8 were present for the vote, though all voted yes. The measure's principal effect on Nigerien family law would have been to raise the legal marriage age to ¶18. Under Nigerien law, a girl deemed to be "sufficiently mature," may marry as young as 15.

¶2. (C) The Government of Niger (GON) supported ratification of the protocol, but its floor management appears to have been weak. While the vote on the protocol was originally scheduled for the 31st, it was postponed to the 3rd at the last minute. The ruling Nigerien Movement for a Developing Society (MNSD) and its coalition partners failed to get their deputies to the floor in large numbers. COMMENT: Given the influence and conservatism of many Nigerien religious leaders and traditional chiefs, this negligence may have been deliberate. The schedule change on the vote may have been designed to allow members to claim that pre-existing travel commitments made it impossible for them to take part in the debate, thus sparing some deputies an uncomfortable on-record choice between the GON's stated position and that of conservative constituents and local power-brokers. Attending a post-closure reception, Western Diplomats encountered several deputies who were present for the party, but not for the vote. END COMMENT

¶3. (C) Niger's history with international conventions on women's rights has been a colorful one. According to Post's contacts, the decision to become a party to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women was taken by a military government that ruled the country for 9 months following a coup d'etat in 1999. Former Minister for Social Development (and current GON Foreign Affairs Minister) Aichatou Mindaoudou allegedly

convinced the GON to sign - albeit with reservations - during this turbulent interregnum. The convention's optional protocol was ratified in 2004, and Nigerien women's rights associations have been pressing the GON to waive its reservations and become a full party to the convention ever since. FM Mindaoudou, a French trained jurist, has often been a progressive force on women's issues and the application of international treaties and conventions. For her role on cultural issues, she is reviled by many conservative clerics. Perhaps to avoid galvanizing the opposition to the treaty, Mindaoudou stayed away from Saturday's debate and vote, even though, as FM, she would generally have been called upon to present the GON's case in support of any international agreement. In Mindaoudou's absence, that task fell upon Madame Ousmane Zeinabou Moulay, Minister of Women's Promotion and Children's Protection, who spoke in support of the treaty before it was referred to a floor debate and voice vote.

14. (C) COMMENT: The GON usually wins its fights in the National Assembly. In fact, the additional protocol was the only piece of GON sponsored legislation rejected outright by deputies this year. However, the fact that the GON did not secure the protocol's passage may or may not signal a lack of will. As noted above, by shifting the vote to a Saturday evening just hours before the close of the session, the GON may have sought a quiet death for a controversial measure. It may also have been nothing more than a snafu. In any event, the protocol's rejection is a blow to the Nigerien women's rights associations who are working to secure ratification of additional treaty commitments on the issue. In a larger sense, this vote underscores how difficult other culturally sensitive legal reforms may be. While there was no party line to the vote, there was a geographic divide, with most of the measure's support coming from urban deputies. As noted reftel, support for progressive cultural measures remains concentrated among well-educated urban professionals and does not yet extend into the country-side where 85% of Nigeriens live.

15. (C) A group of international donors led by the Danish cooperation agency Danida has been working for over a year to change that dynamic. They seek to build support for a secular family code addressing issues such as divorce, marriage, and inheritance (reftel A). The National Assembly's reaction to the additional protocol may give advocates of such systemic

reform pause. However, the GON still has a chance to win on this issue, and there are indications that it may try to do so in the next legislative session. In a conversation with Post's Political Assistant on June 5, the National Assembly Legislative Director stated that his office intended to re-write the "statement of purpose," - essentially an executive summary of a piece of legislation on which most members base their decisions - attached to the additional protocol to better convince members to support it. Likewise, the GON's spokesman, Minister of Institutional Relations Mohammed Ben-Omar, expressed the government's disappointment with the result of the vote, and stated that it was a step back for Niger. If the GON matches such rhetoric with action by re-introducing the protocol when the National Assembly re-convenes in October, and demonstrates defter floor management in the legislature, it could show laudable political courage and a real commitment to women's rights.

END COMMENT

ALLEN